

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

**ROBBINS ENTERTAINMENT LLC, SONY BMG
MUSIC ENTERTAINMENT AND ROCKS LLC,**

Plaintiffs,
v.

**KOCH ENTERTAINMENT DISTRIBUTION,
SHERIDAN SQUARE ENTERTAINMENT, INC.,
MUSICRAMA, INC.**

Defendants.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

'07 CIV 9236

JUDGE BUCHWALD

TO: (Name and Address of Defendant)

**Koch Entertainment
Distribution
22 Harbor Park Drive
Port Washington, NY 11050**

**Sheridan Square
Entertainment, Inc.
59 West 19th Street, 6th Floor
New York, NY 10011**

**Musicrama, Inc.
43-01 22nd Street, 6th Floor
Long Island City, NY 11101**

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFFS' ATTORNEY (name and address)

**Eleanor Lackman
Arnold & Porter LLP
399 Park Avenue
New York, NY 10022**

an answer to the complaint which is herewith served upon you, within **20** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

OCT 15 2007

J. MICHAEL McMAHON

CLERK

DATE

Marie Quintero
(BY) DEPUTY CLERK

AFFIDAVIT OF SERVICE

R.D. WELLS SERVICES

Index # 07 CIV 9236

STATE OF NEW YORK UNITED STATES DISTRICT Court, SOUTHERN DISTRICT OF NEW YORK
ROBBINS ENTERTAINMENT LLC, et al

Plaintiff

against

Defendant

KOCH ENTERTAINMENT DISTRIBUTION, et al

STATE OF NEW YORK

County of: **ALBANY**

Robert Wells, being duly sworn, deposes and says that he/she is over the age of eighteen(18) years; that on: 10/24/2007 at the office of the Secretary of State, of the State of New York in the City of Albany, New York, he/she served the annexed Summons & Civil Action Complaint with Civil Cover Sheet, Corporate Disclosure Statement, Individual Practices of Judge Debra Freeman & Naomi Reice Buchwald on MUSICRAMA, INC.

Defendant in this action, by delivering to and leaving with Donna Christi an authorized agent in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of \$40.00 Dollars. That said service was made pursuant to Section 306, Business Corporation Law.

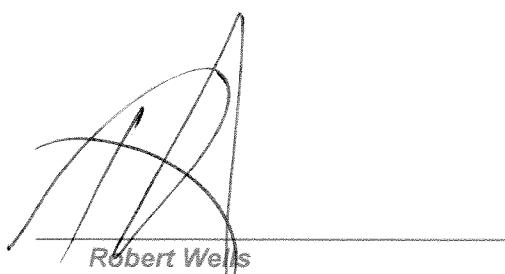
Deponent further says that he/she knew the person so served as aforesaid to be an authorized agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Deponent further states that he/she describes the person actually served as follows:

Sex: Skin Color: Hair Color: Age (Approx.) Height (Approx.) Weight (Approx.)

Female **White** **Blond** **43** **5'2** **145**

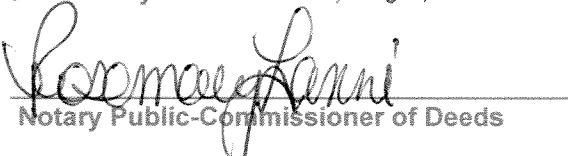
Other Identifying Features:



Robert Wells

Sworn to before me, this

26 day of **OCTOBER**, 2007



ROSEMARY LANNI
Notary Public-Commissioner of Deeds

R. D. WELLS SERVICES
P.O. BOX 3931
ALBANY, NY 12203

ROSEMARY LANNI
Notary Public, State of New York
Qualified in Albany County
Reg. No 4904277
Commission Expires Nov 2, 2009

ROBBINS ENTERTAINMENT LLC

Plaintiff(s) Petitioner(s)

Calendar No.

against

KOCHE ENTERTAINMENT DISTRIBUTION

Defendant(s) Respondent(s)

I~ AFFIDAVIT
OF
SERVICE

STATE OF DELAWARE, COUNTY OF: NEW CASTLE

Ss.:

The undersigned, being sworn, says: Deponent is not a party herein, is over 18 years of age and resides at Wilmington, DE

On 10/24/07 at 1:00 PM .M., at C/O CORPORATION SERVICE CO 2711 CENTERVILLE RD. WILMINGTON, DE

deponent served the within

summons and complaint
 subpoena duces tecum
 citation

on SHERIDAN SQUARE ENTERTAINMENT, INC

defendant witness hereinafter called therein
 -esponent the recipient lamed

INDIVIDUAL
1.

by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.

CORPORATION
2.

a DELAWARE corporation, by delivering thereat a true copy of each to MARY DRUMMOND

personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be PROCESS AGENT

SUITABLE
AGE PERSON
3.

by delivering thereat a true copy of each to

a person of suitable age and

discretion. Said premises is recipient's actual place of business dwelling place usual place of abode within the state.AFFIXING TO
DOOR, ETC.
4. by affixing a true copy of each to the door of said premises, which is recipient's actual place of business dwelling place usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age

and discretion, thereat, having called there

MAILING TO
RESIDENCE
USE WITH 3 OR 4
5A. Deponent talked to at said premises who stated that recipient lived worked there.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's last known residence, at

and deposited

MAILING TO
BUSINESS
USE WITH 3 OR 4
5B.

said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to recipient at recipient's actual place of business, at

DESCRIPTION

in an official depository under the exclusive care and custody of the U.S. Postal Service

within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input checked="" type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100- 130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> [- I Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

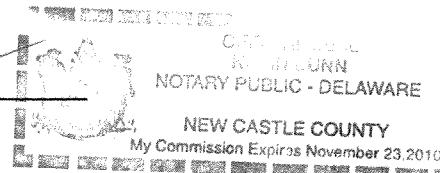
WITNESS
FEES

\$ the authorizing traveling expenses was paid (tendered) to the recipient
 and one days' witness fee: was mailed to the witness with subpeona copy.

MILITARY
SERVICE

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on 10/24/07



License No.

KEVIN S. DUNN

AFFIDAVIT OF SERVICE**UNITED STATES DISTRICT COURT
SOUTHERN District of NEW YORK**

LJW

Index Number: 07 CIV 9236

Date Filed: _____

Plaintiff:
ROBBINS ENTERTAINMENT LLC, ET AL

vs.

Defendant:
KOCH ENTERTAINMENT DISTRIBUTION, ET ALFor:
ARNOLD & PORTER
399 Park Avenue
New York, NY 10022Received by GOTCHA ATTORNEY SERVICES, INC. on the 29th day of October, 2007 at 10:13 am to be served on **KOCH ENTERTAINMENT DISTRIBUTION, 22 HARBOR PARK DRIVE, PORT WASHINGTON, NY 11050**.I, Shawn Hubbard, being duly sworn, depose and say that on the **30th day of October, 2007 at 1:00 pm**, I:Served the above entity by delivering a true copy of the **SUMMONS & COMPLAINT IN A CIVIL CASE WITH INDEX NUMBER AND DATE FILED** to: **MAUREEN BROWN** as **RECEPTIONIST** at the address of: **22 HARBOR PARK DRIVE, PORT WASHINGTON, NY 11050**, who stated they are authorized to accept service for **KOCH ENTERTAINMENT DISTRIBUTION****Description of Person Served:** Age: 43, Sex: F, Race/Skin Color: Black, Height: 5'5", Weight: 160, Hair: Black, Glasses: Y

I am over the age of eighteen, have no interest in the above action and have the authority to serve process pursuant to CPLR 2103.

Subscribed and Sworn to before me on the 31st day of October, 2007 by the affiant who is personally known to me.



NOTARY PUBLIC**ANDREA MOLODY**
Notary Public, State of New York
No. 01MO6037166Qualified in Suffolk County
Commission Expires Feb. 14, 2010

Shawn Hubbard

Process Server

GOTCHA ATTORNEY SERVICES, INC.
P.O. Drawer 1240
Aquebogue, NY 11931
(631) 369-4925

Our Job Serial Number: 2007005121